

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

OLUFEMI NATHANIEL ITIOWE,

Petitioner,

v.

WARDEN, FCI FORT DIX,

Respondent.

No. 25cv671 (EP)

OPINION

PADIN, District Judge.

Pro se Petitioner Olufemi Nathaniel Itiowe (“Petitioner”) filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, D.E. 1 (“Petition” or “Pet.”), along with an application to proceed *in forma pauperis* under 28 U.S.C. § 1915(a), D.E 1-2 (“IFP Application” or “IFP App.”).

Petitioner’s IFP Application is deficient. Therefore, the Court will **DENY *without prejudice*** the IFP Application, **ADMINISTRATIVELY TERMINATE** this matter, and provide Petitioner with an opportunity to cure his filing fee deficiency.

I. ANALYSIS

Petitioner is a federal prisoner at FCI Fort Dix who seeks calculation and application of First Step Act (“FSA”) time credits by the Federal Bureau of Prisons (“BOP”). Pet. ¶ 13. There is a statutory \$5 filing fee to file a habeas corpus petition. 28 U.S.C. § 1914(a). When prisoners are unable to pay the filing fee, they may file an IFP application under 28 U.S.C. § 1915(a) and Local Civil Rule 81.2. With an IFP application, a prisoner is required to submit:

[A] certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of


appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.
28 U.S.C. § 1915(a)(2).

Petitioner submitted an uncertified prison trust fund account statement. IFP App. at 3. In the space on the form for the prison official's signature, Petitioner wrote in "refused to sign." *Id.* When a petitioner's failure to comply with the statutory requirement to submit a certified copy of the prisoner's trust fund account statement is due to the prison's denial of his request, courts will excuse the non-compliance only after the petitioner submits an affidavit, under penalty of perjury, stating: (1) when his request for a certified copy of his trust fund account statement from the appropriate prison official was denied; (2) the name of the prison official who denied the request; and (3) any reasons the prison official provided for the denial. *See, e.g., Barr v. Salem Cnty. Sheriff's Dep't*, No. 15-77, 2015 WL 4524379, at *2 (D.N.J. July 24, 2015).¹

II. CONCLUSION

For the reasons stated above, the Court will **DENY** *without prejudice* Petitioner's IFP Application, **ADMINISTRATIVELY TERMINATE** this matter, and provide Petitioner with an opportunity to cure his filing fee deficiency and reopen this matter within **30 days**. An appropriate Order accompanies this Opinion.

Dated: March 3, 2025


Evelyn Padin, U.S.D.J.

¹ The Court notes that Petitioner's uncertified prison trust fund account statement shows that Petitioner had more than \$200 in his account on several occasions. IFP App., Attachment. If the prison account of any petitioner exceeds \$200, the petitioner "shall not be considered eligible to proceed [IFP]." L. Civ. R. 81.2(c). Petitioner, therefore, may wish to pay the \$5 filing fee in alternative to correcting his IFP application.